

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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MICHAEL MCCARTHY; WILLIAM R.  
BIEWENGA; LAURIE WARNER; TIMOTHY  
GALLIGAN; JIM SIMMONS; DAVID  
LANTAGNE; TROY CITY TACTICAL LLC; DON  
TOM GROUP LLC d/b/a PRECISION POINT  
FIREARMS; SHOOTING SUPPLY LLC;  
DOWNRANGE INC. d/b/a CAPE GUN WORKS;  
FIREARMS POLICY COALITION, INC.;  
COMMONWEALTH SECOND AMENDMENT,  
INC.; and SECOND AMENDMENT  
FOUNDATION, INC.,

Plaintiffs,

-against-

CHARLES D. BAKER, in his Official Capacity as  
Governor of the Commonwealth of Massachusetts and  
in his Individual Capacity; MONICA BHAREL MD,  
MPH, in her Official Capacity as Commissioner of the  
Massachusetts Department of Public Health and in her  
Individual Capacity; JAMISON GAGNON, in his  
Official Capacity as Commissioner of the Department  
of Criminal Justice Information Services and in his  
Individual Capacity; ALBERT F. DUPRE, in his  
Official Capacity as Chief of the Fall River Police  
Department and in his Individual Capacity; ROBERT  
F. RUFO, in his Official Capacity as Chief of the  
Woburn Police Department and in his Individual  
Capacity; KEITH A. PELLETIER, in his Official  
Capacity as Chief of the Westport Police Department;  
and MATTHEW SONNABEND, in his Official  
Capacity as Chief of the Barnstable Police Department  
and in his Individual Capacity,

Defendants.

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CIVIL ACTION NO.  
1:20-cv-10701-DPW

**PLAINTIFFS' MOTION  
FOR LEAVE TO FILE  
A REPLY BRIEF**

COME NOW the Plaintiffs, who respectfully move the Court for leave to file the reply  
brief and declarations appended hereto. In support of this motion, the Plaintiffs state as follows:

1. In their opposition, the Defendants introduce evidence on various factual issues, some of which the Plaintiffs dispute. The attached reply, and supporting declarations, are needed to respond to these contentions.

2. The Defendants also make certain new arguments that go beyond the Plaintiffs' motion papers, such as their claim that the Plaintiffs that are firearms retailers lack standing. Again, a reply brief is necessary to address these new arguments.

3. Finally, in their response to the Plaintiffs' motion, the Defendants make various contentions about the import of judicial decisions. It is much more practical and efficient for the Plaintiffs to respond to these contentions in writing in advance of the hearing, rather than to do so during the hearing.

4. The substantive content of the attached reply brief is 10 pages, which is barely one-third of the length of the brief that the Defendants have filed (28 pages).

5. The Defendants advised the Plaintiffs that they would not oppose a motion for leave to file a reply brief, but on the condition that the Plaintiffs did not submit any additional evidence. In light of the contentions made in the Defendants' opposition, Plaintiffs find it necessary to submit the additional declarations supplied herewith.

6. The attached declarations serve only to rebut the Defendants' contentions regarding: (a) the availability of ammunition at Walmart; and (b) the role of retail firearms dealers in supplying arms to law enforcement.

Accordingly, the Plaintiffs respectfully request leave to file the attached reply brief and supporting declarations.

Dated: April 30, 2020

Respectfully submitted,  
THE PLAINTIFFS,  
By their attorneys,

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 30, 2020.

/s/ David D. Jensen  
David D. Jensen, Esq.

